



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, ८ सितम्बर, १९६६/१७ भाद्रपद, १८६१

GOVERNMENT OF HIMACHAL PRADESH

HOME DEPARTMENT

RESOLUTION

Simla-2, the 28th August, 1969

Read.—Report of Shri B. D. Sharma, Commissioner of Enquiry (District and Sessions Judge, Mandi, Kulu and Lahaul and Spiti districts).

Observation:

No. 9-25/66-Home.—The Government of Himachal Pradesh are grateful to the Single-Member Commission, Shri B. D. Sharma, District and Sessions Judge, Mandi, Kulu and Lahaul and Spiti districts, for having examined with ability the important issues which had been referred to the Commission. Government are aware of the amount of work involved in the collection and examination of the voluminous evidence placed before the Commission and take this opportunity of recording their appreciation of the labour and industry devoted to the task by the Commission in public interest.

The Government, further, take the opportunity to record their appreciation of the labour and industry devoted in public interest by all who appeared before, and assisted the Commission in the ascertainment of facts.

The conclusions of the Commission have been by the Government, and suitable action is being taken, where found necessary.

These conclusions, *inter-alia*, record that the incident took place as the situation was mis-handled, allowed to aggravate and flare up so much so that it became a free fight between the Police and the Locals. The force used could not be said to be excessive and the number of persons who received injuries was two and the claim made in this respect by the Locals was very much exaggerated. The Government takes note of observations of the Commission that the discipline of the Police in the District of Lahaul and Spiti needs to be improved.

ORDER

ORDERED that the Resolution together with the Commission's Report be published in the Himachal Pradesh Rajpatra for general information.

Ordered also that copies of the Resolution and the Report be released for sale to the public.

By order,
K. N. CHANNA,
Chief Secretary.

BEFORE THE COMMISSION OF INQUIRY POLICE LATHI CHARGE, KEYLONG

REPORT

PRELIMINARY

Lahaul and Spiti is a border district of Himachal Pradesh. The area is tribal and the people backward. The residents are called Lahaulas, hereinafter to be called as Locals. The headquarters of the district is at Keylong. The people are distinctive by their features, habits and customs. The climate being cold they are healthy, bright and sturdy, used to drinks. They possess good intelligence.

2. The present Deputy Commissioner of the district is Sh. M. S. Mukherjee, I.A.S. hereinafter to be referred as D.C. The Superintendent of Police is Sh. A. K. Singh, I.P.S. hereinafter to be referred as S.P. Both are young officers. They figured prominently in this Inquiry.

3. The local M.L.A. representing the Lahaul-Spiti constituency is Sh. Devi Singh Thakur hereinafter to be referred as Hon'ble Member. He is Opposition member of the Himachal Pradesh Vidhan Sabha. It is for his efforts that the present Inquiry has been ordered.

4. National festivities are celebrated here with enthusiasm. Besides the flag hoisting etc., cultural programmes are also arranged to celebrate the same in befitting manner. These celebrations are held in the Parade Ground hereinafter to be referred as the Ground. Tug of war in such functions between Locals and Officials is said to be the annual feature in these celebrations. The Locals are said to have the distinction of winning this war so far.

5. The Republic Day this year was celebrated on 26th of January. As usual cultural programmes had been arranged. On 26th there was snow.

fall at Keylong and in the valley. Fall being heavy and the Ground being full of snow some of the cultural programmes had to be postponed for the next day.

6. On 27th January, 1968 the function started at about 11.30 A.M. At first games and dances were held. There was a good gathering of Locals and the Officials to witness the function. The tug of war was the last item. The D.C. captained the Official team. Sh. Samtan Sarpanch of Kothi Barbog was the captain of the team of the Locals. Amongst the Officials team the majority was of Police men. The toss for the first pull was won by the D.C. He was given the option to select the side. He selected the side towards Satangri village which had favourable gradient and slope. First pull stated and it is said to have been won by the Officials team. The teams had to change the sides for the second pull. Before this was completed there was a scuffle between the Locals and the Police. In the same the Police is alleged to have given lathi beating to the public i.e., the Locals. There was a commotion and the event had to be given up. A lot of disturbance was created in the Ground. The beating which is said to be lathi charge was very much resented by the Locals. So much so that a public demonstration was also held against the Police and slogans shouted. Even black flag demonstration was given. Atrocities are alleged to have been committed. Mephram Chowkidar of the local rest house and others received injuries. The D.C. arranged for the medical attendance of the injured.

7. The D.C. who is also District Magistrate took it to be a serious matter. On 29th January, 1968 he ordered a magisterial inquiry about the lathi charge to ascertain the facts of the case and to affix and apportion responsibility, on the official/officials, if any, under Paragraph 16.3 (1) of the Punjab Police Rules, 1934 Vol. II, which he entrusted to himself. There being no other magistrate in the district to hold the same. This he did vide his order No. D. 43/Peshi, dated 29-1-68 which is Ex. PO. W. 1/2. But the inquiry which he ordered could not be completed for various reasons. He recorded the statement of Mephram Chowkidar only.

8. The Locals held a meeting and very much resented the police action. On 29-1-1968 the Locals as Janta of Lahaul sent the following telegram to the Hon'ble Member at Simla who was busy in the Assembly Session:—

DURING REPUBLIC DAY CELEBRATIONS INNOCENT PUBLIC WAS LATHICHARGED ON 27TH JANUARY BY DEAD DRUNK POLICEMEN AND (.) INSTIGATED AND ORDERED BY SUPDT POLICE IN MAGISTRATES PRESENCE WITHOUT HIS ORDERS AT RANDUM (.) S.P. HIMSELF BEAT SOME PERSONS EVEN CHILDREN WOMEN AGED PERSONS NOT SPARED (.) SOME RECEIVED SEVERE INJURIES CONDITION OF SOME PRECARIOUS NO MEDICAL AID AVAILABLE EXTREME RESENTMENT PREVAILING AMONG TRIBAL PEOPLE AGAINST POLICE (.) POLICE IS RESORTING TO ITS USUAL ATROCITIES FOR WHICH HIGH COURT HAS ALREADY GIVEN TWO STRICTURES AGAINST THEIR GREVIOUS WICKED ACTIONS (.) PERSONAL SAFTY AT STAKE (.) IMMEDIATE JUSTICE REQUESTED (.) DEPUTE SOME HIGH AUTHORITY FOR ENQUIRY THROUGH HELICOPTER TO WITNESS OUR PITIABLE CONDITION(.)

JANTA LAHAUL

9. Similar telegrams were addressed to the Lieutenant Governor, Himachal Pradesh, Chief Minister, Himachal Pradesh, Home Minister, Government of India and other Union Leaders.

10. Some wireless messages were exchanged between the Himachal Pradesh Government and the local officers at Keylong. The D.C. in his wireless message No. 22/Steno, dated 31-1-68 apprised the Chief Secretary, Himachal Pradesh about the occurrence and also informed that Police made **mild lathi charge** resulting in minor injuries to about 5 people including some Government employees. Besides, a few constables also alleged to have received minor injuries, situation being totally under control. The wireless message sent is reproduced below:—

PLEASE REFER YOUR SIGNAL NIL DATED 30TH JANUARY REGARDING POLICE LATHI CHARGE KEYLONG (.) REPUBLIC DAY CELEBRATED WITH FULL ENTHUSIASM 26TH JANUARY (.) BUT DUE HEAVY SNOW FALL CERTAIN CULTURAL AND SPORTS EVENTS POSTPONED TO 27TH(.) ON 27TH LAST ITEM WAS TUG OF WAR BETWEEN GOVERNMENT EMPLOYEES AND GENERAL PUBLIC(.) IN THE FIRST PULL EMPLOYEES TEAM WON(.) THIS CAUSED CONFUSED SCUFFLES(.) POLICE MADE MILD LATHI CHARGE RESULTING IN MINOR INJURIES TO ABOUT FIVE PEOPLE INCLUDING SOME GOVERNMENT EMPLOYEES(.) BESIDES A FEW CONSTABLES ALSO ALLEGEDLY RECEIVED MINOR INJURIES(.) FIRST AID WAS IMMEDIATELY GIVEN THROUGH LOCAL DISPENSER(.) NO DOCTOR AVAILABLE AT KEYLONG(.) NEAREST AND ONLY CIVILIAN DOCTOR OF THE DISTRICT POSTED 12 MILES AWAY WAS SUMMONED BY ME THROUGH SPECIAL MESSENGER(.) BUT HE COULD NOT COME DUE HEAVY SNOW FALL(.) ON 29TH JANUARY I ARRANGED FURTHER MEDICAL TREATMENT THROUGH ARMY DOCTOR STATIONED A FEW MILES AWAY(.) CONDITION OF THE INJURED SATISFACTORY(.) ON 27TH AFTER INCIDENT A DEMONSTRATION WAS ORGANISED BY LOCALS PROTESTING AGAINST POLICE(.) THE PROCESSION CONSISTED ABOUT 400 HEADS MOSTLY WOMEN AND CHILDREN(.) A JUDICIAL ENQUIRY ORDERED BY ME ON 29TH WITH ME AS ENQUIRY OFFICER AS NO OTHER MAGISTRATE 1ST CLASS STATIONED IN THE VALLEY(.) SINCE CASE IS SUBJUDICE FURTHER COMMENTS NOT POSSIBLE(.) SITUATION IS TOTALLY UNDER CONTROL(.) PROPER PUBLIC RELATION BEING MAINTAINED THROUGH RESPECTABLE AND RESPONSIBLE CITIZENS.

11. The S.P. on the same day sent his own version to the Inspector General of Police, Himachal Pradesh through wireless message No. 454/W dated 30-1-68. He mentioned therein that some one manhandled constable on duty. Constable Ompal Singh went to rescue. Bitten in right hand. Mephram Chowkidar of Rest House tried to intervene. Hit by lathi. None one except Mephram and constable hurt. Case registered under section 186 I.P.C. Judicial inquiry going on. The wireless message sent is reproduced below:—

REF MY PRM DATED 29-1-68 TO S.P. C.I.D.(.) DETAIL AS UNDER(.) EVERY YEAR TUG OF WAR HELD BETWEEN GOVT. EMPLOYEES AND LOCALS(.) LATER WINNING EVERY YEAR(.) THIS YEAR EMPLOYEES WON FIRST PULL(.) NO RAILINGS

SEPARATED CROWD FROM AREA(.) SOME ONE MANHANDLED CONSTABLE ON DUTY(.) CONSTABLE OM PAUL SINGH WENT TO RESCUE(.) BITTEN IN RIGHT HAND(.) MEPHAM CHOWKIDAR OF REST HOUSE TRIED TO INTERVENE(.) HIT BY LATHI(.) PER OWN STATEMENT MEPHAM SEPARATED BY D.C. AND S.P.(.) FOOL PROOF EVIDENCE WITH D.M. AS ONE WITNESS EXISTS THAT NO LATHI CHARGE ORDERED(.) NO ONE EXCEPT MEPHAM AND CONSTABLE HURT(.) CASE REGISTERED UNDER SECTION 186 I.P.C.(.) JUDICIAL ENQUIRY GOING ON(.)

12. On 31-1-68 the D.C. sent to Chief Secretary the following wireless message No. 25/Steno:—

CONTINUATION MY RADIO SIGNAL NO. 22/STENO OF 30TH JANUARY, 1968 REGARDING POLICE LATHI CHARGE KEYLONG(.) NO WOMEN OR CHILD KNOWN TO HAVE BEEN HURT(.) THE MILD LATHI CHARGE WAS HOWEVER WITHOUT MAGISTERIAL ORDER(.) SINCE CASE SUBJUDICE UNDER ME AS DISTRICT MAGISTRATE FURTHER FACTS NOT POSSIBLE TO BE COMMUNICATED(.)

13. The Hon'ble Member received the telegram sent to him by the Janta while he was sitting in the House. Being the last day of the Session he could not table any call attention notice. Negi Thakur Sen, Leader of the Opposition had also received similar telegram from Janta of Lahaul. Hon'ble Member and Mr. Negi former Chief Secretary, Himachal Pradesh discussed the matter and sought an interview with the Chief Minister who was out of station. The matter was discussed with Thakur Karam Singh, Finance Minister, second in rank. He told that a report had been called from the D.C. Lahaul regarding the incident and further steps shall be taken on receipt of the same in the light of the same. An interview with the Lieutenant Governor, Himachal Pradesh was also sought who informed the Hon'ble Member that a similar telegram had been received by him and that had been sent to the Chief Minister for necessary action. The Hon'ble Member held a press conference at Simla and told about the telegram received and his reaction to that, that the Lathi Charge must have been resented by the Locals and caused a lot of harrassment and terror to the people there. News items appeared in various papers. He pressed for strong action against the S.P.

14. The next Session of the Vidhan Sabha was held in March, 68. The matter was raised on the floor of the House through a starred Assembly question put by the Hon'ble Member. The question was answered by the Finance Minister on behalf of the Chief Minister who was out on 14-3-68. The Opposition members being not satisfied with the answer given by the Government a statement from the Chief Minister was pressed for, which was agreed in the House. On 21-3-68 the Hon'ble Chief Minister made a statement in the House regarding the facts of the occurrence. A Magisterial Inquiry being ordered by the District Magistrate under the Police Rules as the incident involved some police personnel committing acts, which, might indicate commission of different criminal offences to the Public in the discharge of their official duties. The Government awaited only the result of the inquiry ordered by the District Magistrate. In the mean time the S.P. moved an application before the District Magistrate stating that since District Magistrate was himself present at the time of occurrence he would be cited as witness on his behalf. The S.P. was also reported to have moved an application before the Sessions Judge, Mandi for transfer

of Inquiry from the District Magistrate. As such the District Magistrate could not proceed to the Inquiry in view of the pending application before the Sessions Judge. The Government also being unable to give any direction to the District Magistrate.

15. The Hon'ble Chief Minister also in his statement assured the House about the holding of Judicial Inquiry as according to the information received the matter had assumed some public interest. As such a Judicial Inquiry may be held by appointment of Commission under the Commission of Inquiry Act, 1952.

16. The transfer application before the Sessions Judge, Mandi by the S.P. was not pressed. The Government as such appointed a Commission of Inquiry under the Commission of Inquiry Act, 1952 as promised and that has led to the present Inquiry.

II. APPOINTMENT OF COMMISSION

17. The Lieutenant Governor, Himachal Pradesh vide his notification No. 9-25/66-Home, dated the 14th/19th August, 1968 notifying that on 26th and 27th January, 1968 at the Parade Ground of Keylong in Lahaul and Spiti, Republic Day was celebrated during which a tug of war was arranged between the Government employees team and the members of the Public. During the course of tug of war some scuffle took place in which certain number of police personnel also were alleged to have taken part and which resulted in the lathi charge by the police. It being necessary to appoint a Commission of Inquiry for the purpose of making an enquiry into the incident aforesaid of Lathi Charge which is a definite matter of public importance appointed the present Commission under section 3 (1) of the Commission of Inquiry Act, 1952, appointing me as Commission of Inquiry, to enquire into the matter and report by the 15th October, 1968 which has now been further extended to 31st October, 1968.

III. TERMS OF REFERENCE

18. The Commission is required to report on the following matters:—

- (a) facts and circumstances which resulted in occurrence of this incident;
- (b) whether the police was justified in making a lathi-charge on the participants in the tug of war and the Public and whether the amount of force applied by the police was excessive;
- (c) the number of persons actually injured and the nature of the injury caused;
- (d) any other matter which, in the opinion of the Commission, is relevant to the ascertainment of facts relating to the incident.

IV. PROCEDURE ADOPTED BY THE COMMISSION

19. The notification was received by me on 26-8-1968 on my return from Kulu tour. The State Government did not lay down any rule or procedure under the Commission of Inquiry Act, 1952 and therefore, the procedure had to be laid down by the Commission itself. The Commission in this respect has followed the Central Commission of Inquiry (Procedure) Rules, 1960 issued by the Government of India vide G.S.R. 531, dated 7th May, 1960. The Commission vide orders dated 26-8-68 fixed the preliminary

sitting at Keylong in the Rest House on the 13th September, 1968 at 10 A.M. A press note was issued informing to the general public and the interested parties about the date and place of sitting calling on persons having personal knowledge of the incident regarding the Lathi Charge, to file their statements with the Commission supported by affidavits if any on the date fixed above. The copies of the press note for wide publicity and information were forwarded to the Chief Secretary, Himachal Pradesh, Inspector General of Police, Himachal Pradesh, Superintendent of Police, Keylong all the Political Parties, Secretary Vidhan Sabha, Shri Devi Singh Thakur, M.L.A., Shri Thakur Sen Negi, M.L.A. etc. Copies were also sent for publication in the paper which has been published in the Himachal Times and Vir Partap. Due publicity to this press note was given through all available sources. It was issued in English and Hindi both. Special messenger was sent to Keylong with the copies of the press note to deliver the copies there.

20. In its preliminary sitting dated 13-9-68 at Keylong Shri Devi Singh sitting M.L.A. of Vidhan Sabha representing the Public with 36 other persons and Sh. A. K. Singh, Superintendent of Police representing the Police department, were present. Some affidavits were filed on this date by both the parties. The following were made the parties to the Inquiry:—

- (i) Government,
- (ii) General Public represented by Sh. Devi Singh, M.L.A.,
- (iii) Superintendent of Police, Keylong.

None else asked the Commission to become a party. There was no representative on behalf of the Government. The D.C. made an application to the effect that he is to seek instructions regarding the statements and the part the Government to take in the present Inquiry for which he prayed time for 10 days. The Commission granted the same. Further time to file the affidavits, documents etc. was extended till 23rd of September, 1968.

21. In the preliminary sitting the Commission decided that it will be an open inquiry open to the public. The evidence to be recorded in the following order:—

- (i) of the Government, if any,
- (ii) of the Police,
- (iii) of the Public.

The parties were also allowed to engage any lawyer if they wanted.

V. SITTINGS HELD

22. The Commission held 7 sittings in all on the following dates:—

- (i) 13-9-1968, P.W.D. Rest House, at Keylong.
- (ii) 23-9-1968, Court room of the District and Sessions Judge, Mandi, H.P.
- (iii) 7-10-1968, Office of the Commission, at Keylong.
- (iv) 8-10-1968, Office of the Commission, at Keylong.
- (v) 9-10-1968, Office of the Commission, at Keylong.
- (vi) 10-10-1968, Office of the Commission, at Keylong.
- (vii) 17-10-1968, Court room of the District and Sessions Judge, Mandi, H.P.

Second and seventh sittings were held at Mandi while the others at Keylong.

VI. EVIDENCE PRODUCED AND RECORDED BY THE COMMISSION

23. The following persons filed the affidavits on behalf of the police:—
 1. Sh. A. K. Singh, I.P.C., Superintendent of Police, Keylong.
 2. Sh. Surinder Lal Sharma, Deputy Ranger.
 3. Sh. Om Parkash, Range Officer.
 4. Sh. Ompal Singh C. No. 77, P.S. Keylong.
 5. Sh. Rawal Singh, H.C. No. 200, P.S. Dasuha.
 6. Sh. Sonam Chhring s/o Chhring, r/o Keylong.
 7. Sh. Tanzan s/o Tuk Tuk, r/o Keylong.
 8. Sh. Noorbu s/o Sonam Phunchog, r/o Bamoor.
 9. Sh. Nwang Rigzan s/o Kunga Noorbu, r/o Jispa.
 10. Sh. Shiv Chand s/o Mast Ram, r/o Thansa.
 11. Sh. Devi Singh s/o Phunchog, r/o Keylong.
24. The following persons filed the affidavits on behalf of the Public:—
 1. Sh. Yountan Peon, D.C's. Office, Keylong.
 2. Sh. Dorje s/o Tashi Norbu, r/o Kardang.
 3. Sh. Angrup s/o Rigzin Namgial, r/o Kardang.
 4. Sh. Nrobu s/o Chang Gialchan, r/o Kardang.
 5. Sh. Chhering Teshi s/o Kunga, r/o Keylong.
 6. Sh. Sonam Ram s/o Phunchok, r/o Keylong.
 7. Sh. Mepahm s/o Chepal, Chowkidar PWD Rest House, Keylong.
 8. Sh. Norbu s/o Kunga Tanzin, r/o Piokar.
 9. Sh. Phunchog Angrup s/o Namgial, r/o Upper Keylong.
 10. Sh. Angrup s/o Paljore, r/o Keylong.
 11. Sh. Chhering Tashi s/o Tuk Tuk, r/o Upper Keylong.
 12. Sh. Rinchain s/o Tandup, r/o Keylong.
 13. Sh. Kunga s/o Dhilea, r/o Lower Keylong.
 14. Sh. Dorje s/o Yountan of Lower Keylong.
 15. Sh. Samtan Angchuk s/o Paljore, r/o Peokar.
 16. Sh. Chhering s/o Kunga Tandup, r/o Lower Keylong.
 17. Sh. Devi Singh Thakur, M.L.A.
25. The following documents have been relied by the Police:—
 1. Ex. PO W. 1/1:—Statement of Mephah recorded by the District Magistrate on 27-1-68.
 2. Ex. PO W. 1/2:—Order of the District Magistrate dated 29-1-68.
 3. Ex. PO W. 1/3:—Notice issued about the Judicial Inquiry by the District Magistrate.
 4. Ex. PO. W. 1/5:—Extract from the proceedings of the board meeting held on 18-12-1967.
 5. Ex. PO. W. 1/5/A:—Order dated 1-2-68 passed by the District Magistrate.
 6. Ex. PO. W. 23/1:—Copy of F.I.R. under Sec. 186 I.P.C. P.S. Keylong.
 7. Copy of Rojnamcha report No. 20, dated 27-1-68.
 8. Copy of Rojnamcha report No. 18, dated 27-1-68.
 9. Copy of Rojnamcha report No. 19, dated 27-1-68.
26. The following documents have been relied by the Public:—
 1. Ex. PU. W. 1/1:—Telegram sent by the Public of Lahaul to the Lieutenant Governor, H.P.

2. Ex. PU. W. 1/2:—Statement regarding appoint of Commission of Inquiry by the Hon'ble Chief Minister in the House dated 24-3-1968.

27. The following documents have been supplied by the Government:—

1. Copy of telegram dated 29-1-68 from Janta Lahaul.
2. Copy of wireless message No. 454/W dated 30-1-68 from 'Superintendent of Police, Keylong to the Inspector General of Police, H.P.
3. Copy of wireless message No. 473/W dated 31-1-68 from the Superintendent of Police, Keylong to the Inspector General of Police, H.P.
4. Copy of wireless message No. 25/Steno dated 31-1-68 from D.C. Keylong to the Chief Secretary, H.P.

28. The following persons appeared as oral witnesses on behalf of the police and their statements recorded:—

1. Sh. M. S. Mukherjee, I.A.S., Deputy Commissioner, Keylong.
2. Flt. Lt. (Doctor) G. S. Bharat, GREF Unit, Satangri.
3. Sh. A. K. Singh, I.P.C., Superintendent of Police, Keylong.
4. Sh. Ompal Singh C. No. 77, Police Post Jispa.
5. Sh. Bhag Singh C. No. 276, Police Lines, Simla.
6. Sh. Rawal Singh H.C. No. 200, P.S. Dasuha.
7. Sh. Balwant Singh C. No. 85, Police Post, Jispa.
8. Sh. Surender Lal, Dy. Ranger, Kulu.
9. Sh. Man Singh H.C. 27, Police Lines, Dharamsala.
10. Sh. Sardari Lal, Line Man, Jullundur.
11. Sh. Baldev Chand Teacher, G.H.S., Keylong.
12. Sh. Om Parkash, Teacher, G.H.S., Keylong.
13. Sh. J. R. Abrol, Treasury Officer, Keylong.
14. Sh. Sonam Phunchog, B.D.O. Keylong.
15. Sh. Rajinder Singh, B.E.O., Keylong.
16. Sh. Kesar Singh, Driver, C.M.O's. Office, Keylong.
17. Sh. Karam Chand, Const. No. 417, P.S. Dharamsala.
18. Sh. Tanzan s/o Tuk Tuk r/o Keylong.
19. Sh. Devi Singh s/o Phunchog, r/o Lower Keylong.
20. Sh. Sonam Chhang s/o Chhring, r/o Keylong.
21. Sh. Nowang Rigzan s/o Kunga Nurboo, r/o Jispa.
22. Sh. Om Parkash, Range Officer, Keylong.
23. Sh. Onkar Singh, A.S.I. Railway Traffic Police, Kangra.

29. The following persons appeared as oral witness on behalf of the police and their statements recorded:—

1. Sh. Devi Singh Thakur, M.L.A., r/o Keylong.
2. Sh. Mephram s/o Chhepang, Chowkidar, PWD, Keylong.
3. Sh. Yuntan s/o Lok Chand, Peon D.C's. Office Keylong.
4. Sh. Angrup s/o Rigzin Namgial, r/o Karding.
5. Sh. Sukh Dass s/o Ram Bhaj, r/o Tholan.
6. Sh. Chhring Tassi s/o Kunga Noorbu, r/o Keylong.
7. Sh. Chhring Tassi s/o Tuk Tuk, r/o Keylong.
8. Sh. Noorbu s/o Changial Singh, r/o Karding.
9. Sh. Sonam Ram s/o Phanchog, r/o Lower Keylong.
10. Sh. Durje s/o Tassi Noorbu, r/o Karding.
11. Sh. Chhring s/o Kunga Tandup, r/o Keylong.
12. Sh. Ringzan s/o Tandup, r/o Lower Keylong.
13. Sh. Kunga s/o Chhinde, r/o Lower Keylong.

14. Sh. Samtan Angchu s/o Paljor, r/o Piukar.
15. Sh. Ram Chand s/o Shiv Chand, r/o Ghushal.
16. Sh. Sona *alias* Sudama Bhagat s/o Bhag Chand, r/o Ghushal.
17. Sh. Durje s/o Yantan, r/o Lower Keylong.
18. Sh. Noorbu s/o Kungtan, r/o Piukar.
19. Sh. Angrup s/o Paljor, r/o Upper Keylong.

30. The Police witnesses have been termed as PO. W. and the Public witnesses have been termed as PU. W. The documents have also been marked likely.

31. The Spot was inspected by the Commission. The spot inspection note and plan of the site have been separately placed on the record.

32. This Inquiry has been ordered late i.e., after 7 months of the occurrence, thereby the momentum has been lost and the interest waned.

33. Though Lahaul is a tribal area but the Locals speak Hindi fluently. All the local witnesses who appeared before the Commission made their statement in such Hindi that there was not the least difficulty in understanding them and no necessity was felt to appoint an interpreter.

34. The Government has taken the happening as a definite matter of public importance. Scuffle in the tug of war has also been admitted in which certain number of Police personnel allegedly took part and which resulted in the Lathi Charge by the police. Though now during the Inquiry an attempt has been made to wriggle out of it. The District Magistrate, Keylong who ordered the magisterial inquiry on 29-1-68 took the happening to be a Lathi Charge by the police in the scuffles which took place. On account of its seriousness he thought it proper to give probe in the matter and assess the responsibility. The inquiry ordered had to be shelved and this duty has now fallen upon this Commission.

VII. FINDINGS

(A) FACTS AND CIRCUMSTANCES WHICH RESULTED IN OCCURRENCE OF THIS INCIDENT:

35. The **function** at the Ground started at about 11.30 A.M. It was purely cultural function presided over by the D.C. Sh. Sonam Phuchog, B.D.O. Keylong (PO. W. 14) was the Stage Secretary. Ground where the function was held is quite extensive. It is bounded on the Southern side by the District Offices, on the Western side Keylong town, on the Northern side a thorough road known as Biplavi Ras Bihari Bassu Marg, on the Eastern side are the fields which extended upto Shakshi Nallah. It is a slopy ground. It has slope toward's South as well as to the Eastern side. The dias was fixed on the lowest slope of the ground. It was a small dias about 4 meters in length, 3 meters in breadth and about 2 feet in height. The Officers and the ladies were on the dias on chairs. In front of the dias open space was left for holding the events. It is said to be 4.8 meters from the dias. In the open place cultural events were held. Beyond that were the spectators which extended upto Biplavi Ras Bihari Bassu Marg. A rough sketch map of the ground has been got prepared from the local Overseer and placed on record. At first school games and various dances were held. The last item was the tug of war between the Locals and the Officials.

36. The **gathering** is estimated to be 2,000 by the D.C. and 1,000 to 1,500 by the S.P. The B.D.O. PO. W. 14 has given the strength of about

700. Any how it was a good gathering. The school children according to the S.P. were about 200. In this gathering there were officials, locals and school children. Ladies are said to be more in number. According to the S.P. men and women were 50-50. This is the ratio of the gathering given. The number of Government officials in the function is said to be 100 by the Stage Secretary. Besides the D.C., S.P., Treasury Officer, B.D.O. were also present. It may be stated here that in winter months the male population of the illaqa migrates to Kulu and other places.

37. The exact number of the **police men present** at the function has not been told. It varies witness to witness. For the Republic Day parade extra police men from the out police posts had also been called. Twelve police men had come from Jispa as stated by the PO. W. 5. According to the D.C. 20 police-men were in uniform. According to the B.D.O. the number was about 30. The S.P. has given the number of police-men with Lathi as 6. It is also evident from the report Rojnamcha of the day. He also states that there had been only 12 lathis at the Police Station. The police strength at the Police Station, Keylong is said to be 1 S.I., 1 A.S.I., 2 H.Cs. and 12 constables. Besides that there is also a striking force of 15 constables. Some police men were also without uniform at the function of the P.A.P. We may take the number of the police men in uniform about 20 and 6 with lathis.

38. The last item was **tug of war**. It was held between the Officials and the Locals. The names of the participants on both the sides has not come on record. The D.C. was requested to supply the same but according to him no record was kept as the teams were selected on the spot. The members of team of each side were eleven. The D.C. was the Captain of the Official team. He selected his own team. In the officials team there was a number of police constables selected on account physique as stated by the D.C. The S.P. has stated that he does not know how many police men were in the Official team, but he put at the disposal of the Captain some strong men of the police, amongst whom he could choose. The Captian of the Locals team was Samtan PU. W. 14. According to him out of 40 locals he selected 11 persons as Local team for the tug of war. Noorbu of Kardang PU. W. 6 was in the team. Who was referee of the match, that has not been brought on record by either side. According to the S.P. he tossed the coin which was won by the D.C. According to normal practice there are three pulls to decide the event. The D.C. as Captain of the official team was given the option to choose the side. According to him, of the two sides one towards Satangri village (Shakshi Nallah side) has sufficient gradient and slope for any team lucky enough to win the same. This year the Government team got the favourable side in the toss. Both the teams when in position began to pull the rope on a whistle given by the referee. The first pull is said to have been won by the Officials team. Till this time the gathering was peaceful and just thereafter there was commotion and scuffles.

39. What led to this **scuffle** both the parties i.e., Police and the Public have given their own version who accuse each other. I shall discuss the evidence in detail as this is the main point of reference and bone of contention between the parties.

40. According to the D.C. (PO. W. 1) in the first pull the official team won. Thereafter they were to change the sides. As far as he remembers the Locals team from the Lower Keylong side of the ground came over to the Stangri side to exchange places with the Official team. A tug of war event is existing event here. Eagre crowds had already converged on near the tug of war place. He was on the dias. All of a sudden it was found that certain

scuffles were going on and the crowd and the members of the teams were all mixed up. It was difficult to find out the exact persons involved in the matter and causes leading to the scuffle. Unfortunately the microphone and the loud speaker had failed. It was not possible for him or other to make their appeal audible to the gathering. Thereafter he personally tried to separate different members of the fighting groups. The situation was then confused. Even after they succeeded in separating groups, other trouble started at other points of the field. Many of his officers who were in the field were also trying to separate the fighting groups. Scuffles took at various places of the Ground where the function was being done. Generally speaking the scuffles were between the members of the Police and others meaning thereby the public and including some government employees. Under such situations the tug of war and subsequent cultural events had to be postponed. In such utter confusion it was not possible to carry on with the events.

41. After some time he found Mephram Ram Chowkidar of the PWD Rest House had some injury on his head from which blood was oozing out. His immediate anxiety was to give him medical treatment. He separated him from the crowd, which collected around him. They were demanding retaliation against the miscreant constables whoever they were. He with the help of some colleagues like B.D.O. Sonam Phunchog, Treasury Officer J. R. Abrol, Master Sukh Dass succeeded in separating Mephram from the crowd. He was brought to the office from the Ground.

42. There was no gazetted Doctor at Keylong. A dispenser from the Keylong hospital was sent for. He gave immediate first aid to him. After that Mephram gave a statement to him which he recorded and tendered before the Commission, marked as PO. W. 1/1. He stated that he was hit by a police constable whom he knew by face but did not know his name. He also mentioned that a few other persons were known to have been hit on the same day. This statement has been recorded by the witness at about 4 P.M. on that day. After that he was going towards his residence. A number of persons who were curious onlookers were following him on his way to residence. He met the S.P. on that day. He was probably going towards the residence of the D.F.O. The S.P. when he met on his way to home asked him what he was contemplating to do. He told him (the S.P.) that certain statements had been recorded by him. He was examining the provisions of the Punjab Rules and would see whether as District Magistrate he could order a magisterial inquiry and could entrust it to Magistrate II Class, Keylong, who was only other Magistrate in Lahaul besides himself. On 29-1-68 he ordered a magisterial inquiry under the provisions of para 16.38. This inquiry had to be deferred as the S.P. wanted a transfer of the Magisterial inquiry by making an application to the Sessions Judge, Mandi. He also wanted to engage a lawyer and he also objected to the inquiry being held by the District Magistrate himself as he being an eye witness to the occurrence.

43. The witness in the cross examination further states that he saw Mephram only injured. He did not see him being hurt. The 27th January incident is the only incident to his knowledge in which scuffle took place leading to the injuries. During his tenure in this district as D.C. in all the past tug of war events, the Locals team would finally win. He further states that he had not personally seen any member of the public having a lathi in his hand except some police men on duty. He admitted the telegram sent to the Government on 29-1-68 which has been re-produced above and portion marked A to A regarding the mild lathi charge by the police

resulting injuries to 5 people including some Government employees, which according to him is not based on his personal direct knowledge. He was on the dias when the scuffle started. There was utter confusion and scuffles going on at various scattered places among the crowd. The situation was so confused that it could not be controlled in an organised way. As far as he could see there was no line of command and in some case the scuffle might have been between individual constables and the members of the public. There was no order from any magistrate for lathi charge. The police did use lathi in the scuffle as appears from the nature of the injury subsequently noted by him. He did not see anybody being beaten by the police. No S.H.O. or any superior police official ordered the use of force to his notice. Whatever the nature of the force used the senior police officials and he were present in the ground. To the question by the Commission he replied that the tug of war event started at about 2.30 P.M. Till then the function was peaceful. The first pull and in its preparation took about 20 minutes. He left the Ground at about 3.30 P.M. to attend the injured namely Mephram. Before that a part of the crowd had already left. When he left the Ground the scuffle had ended. The function started and people dispersed in his presence, but he cannot say whether any force was used in his presence at the Ground. When the scuffle took place there was definitely resentment and commotion among the crowd who were having alleged grievances against the Police. The requirement of law and order warranted control of the same through due process. When other measures failed only course left was to use organised force. Under the limitation of circumstances while there was no line of command this could not be done. The scuffles were all individuals ones, which came to his knowledge. The police had the lathis but he did not see any police person using the lathi. Since he had no direct knowledge, he cannot say what force was used and in what measure.

44. The witness has tried to make a confusion. He was present at the function throughout. Whole of the occurrence took place in his presence. He sent wireless messages to the Govt. admitting therein of the mild lathi charge made by the police and injuries received. But before the Commission he has choosen his own course, trying to get out to which he stands committed. I shall deal with it when I take up the point of reference (b).

45. The S.P. as P.O.W. 3 has stated that certain cultural programmes had been left from the last day. The last item for the day was tug of war match between the Government employees team captained by Sh. M. S. Mukherjee and the general Public team captained by Samtan. He was asked to toss the coin. The toss was won by Mr. Mukherjee Captain of the Official team. The Govt. employees accepted the Sakshi Nallah side of the field for the first pull. It had a slight slope. The first pull was won by the Official team. After the pull was won the sides had to be changed. The Govt. employees team had to change towards Keylong side which is Western side and the Public team had to change towards Shashi Nallah side which is towards Eastern side. While the sides were being changed and not being completed he saw commotion on Sakshi Nallah side. He rushed to the spot. He saw certain people fighting. Some of them were his own employees i.e., the police constables. One man had tent pole. Later on his name was told to be Yuntan who is peon in the D.C's. office. He tried to sparate the people from fighting but very soon within few moments he realised that it was not possible to separate the crowd. When he realised this he went to the stage. Sh. Sonam Phungho B.D.O. and Sh. Dharma Nand Naib-Tehsildar were on the stage. He tried to take the microphone and speak to the crowd but the microphone was dead. It was off. He asked from the persons on the

stage to search the operator and switch on the microphone. In the mean while he tried to pacify the crowd and appealed to them to keep quite. His appeal was not heard and commotion continued for a few minutes. In the meanwhile the loud speaker was switched on. He decided in consultation with the B.D.O. that the best course would be to order police men whether in uniform or without uniform to fall out on one side and therefore he gave them order to all his men that they should fall out on the right side i.e., Sakshi Nallah. Most of the police men obeyed the orders and fell out on the right hand side of the stage. At this time he saw Mephram Chowkidar of the Rest House holding a person who seemed to be a police man but was not in uniform and blood coming out from the head of the Chowkidar. Every other persons had separate except this group where Mr. Mukherjee, Treasury Officer Abrol were also present. He went to the spot where Mr. Mukherjee was standing and tried to separate the man held by the Chowkidar from his grip. He left his man. The Treasury Officer, Mr. Mukherjee with the help of some other people brought Mr. Mephram to sit near the stage and a man was sent to bring a dispenser. Later on he was taken away to the D.C. office where he gave his statement to the District Magistrate. By that time the gathering had dispersed but a few people were there in the Ground. After dispersal from the Ground he saw the crowd near the hotel of Ram Singh. They were shouting having black flags just after. It was pre-planned. He had only 6 men posted in the Ground and seeing the black flags demonstration, he apprehended danger to peace and tranquility. As such he ordered for more men to be sent with lathis. He had only 12 lathis at the police station including those posted at the Ground with lathis. Later on the gathering thinned out and at that moment there appeared to be no danger. He ordered his men to march in single file to the police station and also issued instructions that no one should move singly in the village so as to avoid any possible mishap. He also ordered registration of the case.

46. The witness went on to say in cross-examination on behalf of the Public that he does not know how many police men were in the Official team. He denied the question of the learned counsel for the Public Thakur Beli Ram that when the whistle was given a complaint was made from the Public side that the Official team had one man extra. On the other hand before the start of the pull complaint was made from the Public side that police men had ammunition boots on. While the team of the public had hunters. In such a situation no team could withstand the pull given by a team with ammunition boots on. The scuffle lasted 10 to 15 minutes. May be half an hour. During the scuffle the D.C. was on the spot throughout. There was a complete commotion. Fight was going on. Some were using fists. He does not remember that any chairs were used. There was no pelting of stones. He denied that in heat of moment he ordered lathi charge and uttered the words "BHOON DO IN LOGON KO". The police in a organised manner as a department did not use any force but **there was definitely fighting between the police men and the general Public**. The police men used force in their individual capacity as the fighting had spread without any orders from him. This might have been done by them in their own defence. He effected no arrest at the spot. He took no action against the police man who was held by Mephram Chowkidar. He verified the identity of that man but he did not remember.

47. He further states that he met D.C. on way to his residence at about 4 P.M. and inquired from him what action he proposed to be taken about the fighting which had taken place. He informed him that he shall be ordering an inquiry. After that the D.C. went to his house and he went to the house

of D.F.O.

48. About measures required to control a crowd the witness states that to control the crowd three measures are adopted, first is the tear gas, second is the lathi charge and the third is firing. He had no tear gas so he did not take that measure. The proportion to control the gathering with lathi is 1 to 20 i.e., one police man and 20 persons. He had total men with lathis at the Ground only 6 and in that situation he could not order lathi charge, because the crowd could not be controlled with meagre force. **He could do nothing except to control the crowd. The fighting was between the police men who had come to Bhangra etc. and the Public.** With the idea in view that situation will not clear he ordered his men to fall in. It completely stopped the fight. Except that man whom Mephram was holding the situation was under control. **There was a free fight between the police men and the people.**

49. To the questions put by the Commission the witness replied that every time it was general Public which used to win in the tug of war. This time he saw the Official team winning. He saw commotion on the side of last man in the Official team. His Pagri had fallen. At that time Yuntan the local man having the tent pole was seen running away. He construed that he was the person who might have hit one of the police men. There is very strong feeling of resentment against the outsiders by the locals. The Official team won which might have angered the local public and resulting scuffle. Secondly the Locals have a particular resentment against the police specially since the last year. The people carried excise raids and this is the main cause of resentment against the Police. He had been recommending to the Government that the application of Punjab Excise Act be withdrawn from this area. The Chowkidar might have been hit by the police men but because of the inquiry he did not take any action against the police men awaiting the result of the inquiry. It is normal custom in this valley that every celebration is made with drinks and it is commonly taken. In functions whether private or public 90% people come drunk. Amongst the police men he discouraged this practice. The trouble started from Sakshi Nallah side. The quarrel or the fight suddenly broke out. When his attention was drawn he saw scuffle actually going on and started. For some time the situation went beyond control. Some measures had to be adopted to bring order. He being short of force he ordered his men to get out of the crowd and fall in. It had the desired effect. **No lathi charge was ordered.** The Govt. has been mistakenly informed that there was mild lathi charge by the police. Lathi injuries on the persons of the Public have been taken to be a mild lathi charge. To control the crowd the police as department used no force. Those police men who have resorted to lathi charge without orders can be departmentally dealt with.

50. These two witnesses gave us sufficient idea of the disturbance at the function and its nature. Both the D.C. and the S.P. admitted the fight between the Locals and the Police. Lathi being used and injuries being received. The S.P. admits dis-order and commotion in the crowd and frank enough to admit that there took a free fight between the Locals and Police. His own men misbehaved, used force without his orders or of superior officers. This is rather worst.

51. Rest of the witnesses produced on behalf of the police generally confine themselves to one single scuffle and how it occurred.

52. Ompal Singh constable No. 77 PO. W. 4 was at the ground on the day. He states that in the first pull employees team won. When the teams were

to change sides Bhag Singh constable of the Police was on the tail end. He was untying the rope. In the meantime Yuntan Peon of the D.C.'s office came and he had a pole in his hand. He struck the pole on the head of Bhag Singh constable. He was near the site. In the meantime Ex-Numberdar of Lower Keylong Sonam by name Dorje of Karding and Ram Singh Hotelwala came and began to quarrel with him. They man-handled him. Ujagar Singh Driver of the block and Pritam Peon intervened and separated me. In the meantime constable Hans Raj and Balwant Singh No. 85 came there. They came to his rescue and he was got separated from the miscreants. Some body bit his right thumb. In the meantime the S.P. announced on the mike that all his men should fall in on the right side of the dias. On this order the police men fall in. He reported to A.S.I. who recorded his statement and made the necessary investigation. Thereafter Sonam Ex-Lumberdar began to collect other persons. Even his lathi had been snatched. He took flags and began to shut slogans. They went in procession.

53. In cross-examination he states that by whom his lathi was sanatched he does not know him. He cannot identify him. Some stones were pelted and chairs were used in the crowd. This has been denied by the D.C. and S.P.). There was huge gathering.

54. Bhag Singh PO. W. 5 corroborates Ompal Singh PO. W. 4. He states that when the whistle was given, pull started which was won by the employees. Then the sides were to be changed. He was taking out the rope. Yuntan Peon in the D.C.'s office gave a pole blow on his head. He inquired from him why he had done that. In the meantime Dorje of Karding, Sonam Ex-Numberdar and Ram Singh Hotelwala came there. They started quarrel. He had turban on his head and as such luckily he could not receive any injury. Ompal Singh was on duty. He also came and restrained those persons. These locals caught hold of me. They took him towards river. Then there was confusion. An announcement was made by the S.P. that all the police men be fall in on the right side of dias. All the police men collected while the public started in a procession. No affidavit has been filed before the Commission by this witness.

55. H.C. Rawal Singh PO. W. 6 also corroborates PO. Ws. 4 and 5. According to him success of the employees team in the tug of war in the first pull which locals resented. It is Yuntan Peon of the D.C.'s office who made mischief and started the trouble. In this scuffle he also received injury on his right leg. In cross-examination he states that about 3 police men received injuries but none of them made lathi charge in self defence. No lathi charge was made on the Public. There was no such situation to make the lathi charge, at that time. The constables or the H.C. could not make lathi charge. There was no lathi charge from their side. This witness has denied even that what the S.P. has admitted, as if they took no part in the scuffle. This shows the spirit with which the witness has made the statement.

56. Balwant Singh C. No. 85, PO. W. 7 also states that he was on duty in the parade ground. When the first pull was won by the officials there was commotion on the side of official team. He rushed to that place. He saw 3 Locals dragging Ompal Singh constable in uniform. Their names are Durje of Karding, Ram Singh of Upper Keylong and Sonam Ex-Lumberdar. Hans Raj, Sardari Lal and the Dirver of the B.D.O. were separating him. In the meantime the D.C., S.P. came and separated the crowd. This has not been said by the D.C. at least. Ompal Singh was got released, in the

meantime the S.P. went on the stage and order his men to fall in. According to the witness he only saw the scuffle. The police felt no need to use any force on the crowd. There was no order of lathi charge nor any was given.

57. Man Singh H.C. No. 27 as PO. W. 8 states that when the police man was putting off the rope, Yuntan of the D.C. office gave him a pole blow on his head. Ompal Singh intervened who was dragged by 3 Locals. He was got released. He also states that whole of the occurrence took place in his presence. No other fighting took place except narrated above though according to the S.P. and D.C. there was a free fight between various groups. The witness has tried to minimise the occurrence.

58. PO. W. 9 Surender Lal Dy. Ranger has also stated about the commotion on the employees side. He saw Ompal Singh being dragged by 3 men who was got separated. The S.P. asked his men to fall in. He admits that Mephram Chowkidar also received injury in this scuffle. According to him the root cause behind the scuffle was the success of the employees team in the first pull. Yuntan Peon of the D.C.'s office started the whole trouble. The Public was in jealous mood and hot tempered. The witness saw no other quarrel except that of Ompal Singh and Mephram. He saw no police man beating the Public.

59. Sardari Lal, PO. W. 10 has stated about the hit given by the local to the police man of the employees team. Except that he saw nothing. He saw no lathi charge. The witness has dim idea of the occurrence.

60. Baldev Chand Raina, Teacher as PO. W. 11 corroborates PW-10. He states that when he reached in the ground the tug of war was to start. There was a big gathering. Employees team won the first pull. Then the sides were to change and both the teams were about to take their position. At that place i.e., Sakshi Nallah side he saw some commotion. The public gathered there. He saw foot constable Ompal Singh in uniform. Four men were dragging him and taking towards the fields. The constable was got separated. The D.C. and S.P. tried to pacify the people but the commotion continued. The S.P. ordered his men to collect near the stage. There was no abatement in the commotion. Sonam Ex-Lumberdar began shout slogans. People followed him. According to this witness there was commotion which lasted about an hour but he saw no scuffle. This witness has also tried to minimise the occurrence.

61. Om Parkash is another teacher who appeared as PO. W. 12. According to him he saw a tall constable being dragged by 2 locals who was got released. The local formed procession under the leadership of Sonam Ex-Lumberdar and returned in procession form with black flags. In his opinion the occurrence took place because the locals did not relish the defeat and did not take that in the sportsmanship. There was no lathi charge by the police.

62. Sh. J. R. Abrol, Treasury Officer as PO. W. 13 states that on Shakshi Nallah side he saw commotion. He and D.C. rushed to the spot. The S.P. followed them. They tried to pacify the occurrence. The gathering was in temper. The scuffle started at 2 or 3 places. He noticed head injury on Mephram Chowkidar. According to him the fight took place in the function was between the individuals. No officer or officials ordered lathi charge. No stones have been pelted not any chair was used. He saw no police men making lathi charge on the Public. The officers were witnessing the function from the chairs. Whole of the gathering was in view from the stage. He saw no lathi charge or use of lathi by the police on the Public. The witness cannot

specify any reason for the scuffle which started in the function. The Public feeling appears to be against the outsiders who are government servants.

63. Sh. Sonam Phuchog, B.D.O. Keylong has appeared as PO. W. 14. he is a local man. He acted as Stage Secretary. He has made a cautious statement. About the actual occurrence he states that the first pull was held. It was won by the officials. Thereafter when there was change over some of the members of the teams took their position, some had not taken their position. At that time some commotion started. He cannot say how the commotion started and from which place as he was on the stage. When the commotion started there was melee. Public rushed to the side where there was commotion. The D.C. ordered on the mike that it should be announced that all the persons should go to their respective places but the mike had gone out of order. He, the D.C. and the T.O. went inside the gathering. There was big rush and they could not penetrate the crowd to a greater length. Then they returned to the stage. After some time Mephram Chowkidar of the PWD Rest House was brought on the stage and he had head injury. Thereafter he and the D.C. brought Mephram to the D.C. office to give him medical aid. Mephram told the D.C. that he had gone in the crowd to control them and pacify them but somebody hit him on the head from back side. Thereafter he again went to the stage and at that time public had dispersed. The police and the Public was in the crowd and he cannot say who attacked whom. It was all confusion. Besides that he does not know anything. In the gathering there were about 30 police men in uniform. Some of the police men were armed with lathis. In his presence the S.P. made no order of lathi charge on the crowd. The police was using lathis might be for pacifying the gathering. He cannot give any specific reason for the scuffle. The S.P. went on the stage and he called his men and they collected at the specified place.

64. In cross-examination he states that there was no protest from the Public that the official team had one extra man. When the pull started the official team had ammunition boots on when the Locals had Pullas and in this respect objection was raised that the officials team should not have the boots. The S.P. did not agree to it. He has no knowledge that Durje of Karding, Sonam Ex-Lamberdar of Keylong and Ram Singh Hotelwala of Upper Keylong took leading part in the scuffle. The police was using lathis might be to pacify the crowd but there was no lathi charge. Mephram had head injury. The Public did not pelt any stones nor the stones were available there as it had snowed that day. Nor the Public had any sticks with them. No force was used from the side of Public. There was resentment from the Public side. There is no feeling of resentment between the Locals and the outsiders. He heard of no such feeling. After the scuffle there was resentment against the Police. After 20 minutes of the scuffle the S.P. asked his men to fall in Control was necessary. Force may not be used. On the question by the Commission the witness stated that he does not agree that the scuffle took place on account of resentment which the Public felt on account of the Official team having won the first pull.

65. Rajinder Singh, PO. W. 15 is B.E.O., Keylong. He also states that after the first pull suddenly there was a commotion. A police men in uniform was being dragged by some Locals. There was no order of lathi charge from the S.P. or D.C. The witness remained on the spot for about 25 minutes. According to him he did not see any police man making lathi charge.

66. Kesar Singh, Driver of C.M.O.'s office has appeared as PO. W. 16. He speaks of the commotion when the sides were being changed by both

the teams. There was huge commotion and S.P. asked his men to fall in. The S.P. gave no orders of lathi charge. He saw no police man making lathi charge. The Public had snow balls in their hands and nothing else.

67. Karam Chand Constable No. 417 is PO. W. 17. He was the gun man of the D.C. He states that Yuntan Peon of the D.C.'s office struck Bhag Singh with pole. His turban fell down. Ompal Singh constable came to his rescue. At that time 3 persons, Durje of Karding, Sonam Lamberdar and Ram Singh Hotelwala came there. They man-handled Ompal Singh and began to drag him. The S.P. announced from the dias that the police men should fall in on the right side of the dias. According to the witness who is a police witness the S.P. made no order of lathi charge nor the police men made any lathi charge. The only single incident he saw that of manhandling of Ompal Singh constable. He brought to the notice of the D.C. that this mischief was played by Yuntan Peon. He told to the D.C. after 3/4 days of the occurrence but no action was taken against Yuntan.

68. Tanzan PW-18 has stated that first pull was won by the official and thereafter scuffle started. People say that there was lathi charge but he did not see that with his own eyes. Within his hearing no order of lathi charge was made. The scuffle took place on account of tug of war match. He does not know who beat whom and who received injuries. He saw no sticks with the Locals. The slogans of "POLICE MURDABAD" were shouted by the Locals. He did not see Locals quarreling with the Police. He saw no police constable being dragged by the Locals. Angrup Havildar posted at Jispa Police Post HAP is the younger brother of the witness. The witness who is a local man denies that there is any friction between the locals and the outsiders.

69. PO. W. 19 Devi Singh is also a local man and working as mate in the PWD. He states that Yuntan of D.C. office had a danda with him. He struck that on the head of Bhag Singh. His turban fell down. Sonam of Keylong, Dorje of Karding and Ram Singh of Upper Keylong dragged the police man towards the river side. Whole of the gathering collected there. The D.C. and S.P. went to the troubled spot and pacified the crowd. He did not see black flags with the demonstrators. Some police men had lathis. According to the witness Yuntan hit the police man with the pole on account anger caused by the winning of the pull by the officials. The younger brother of the witness is police man who is Havildar Shamsher Singh.

70. Sonam Chhang PO. W. 20 states that a Sardar was tying a rope around his body. Some Sepoy helped him in untying the rope. Sonam Ram Ex-Lumberdar of Keylong, Ram Singh Hotelwala of Upper Keylong and Dorje of Karding dragged the police man and took him away. No lathi charge was made by the police. This man has given his own account which the police men do not. According to him Yuntan had a Lathi in his hand which he struck on the head of a Sardar, whose Pagri fell down. The win of the official in the tug of war match was resented by the Locals. The son of the witness is Havildar in the Police Department.

71. Nowang Rigzan PO. W. 21 states that the first pull was won by the officials. After that there was commotion and scuffle. Public went to Lower Keylong in the form of procession. There was no lathi charge. The police did not strike any Local with lathi. Some of the Public men were drunk. The scuffle took place on account of the victory of the officials in the first pull. This man belongs to a place 14 miles away from Keylong.

72. Sh. Om Parkash is the Range Officer, Keylong and has appeared as PO. W. 22. He states that he found commotion towards Shakshi Nallah

side. He saw a Sepoy in uniform being dragged by Ram Singh, Sonam and Dorje. They were taking the police man dragging towards Shakshi Nallah side. The S.P. on the stage made an announcement to his police men ordering them to collect on the right side of the dias. Sonam Lumberdar instigated the Public. On that day there was no lathi charge nor the S.P. made any orders for the same. The scuffle and the quarrel which has taken place is only on account of resentment for the defeat of the Locals at the hands of the Official.

73. Sh. Onkar Singh, A.S.I. PO. W. 23 is the last witness to be produced by the Police. He also speaks commotion on the official side. When he reached there the Public men were man-handling the Police man Ompal Singh. He recorded the statement of Ompal Singh and registered a case. Copy of the F.I.R. is Ex. PO. W. 23/1. According to him the Locals previously took coguls with the officials and he narrated some incidents. The scuffles also took at other places in the Ground but whole of the gathering concentrated at the place where the first scuffle took place. No necessity was felt to use any force on the gathering. The police men used no force individually or collectively. He saw no police men using force in self defence, though the S.P. admits it.

74. The police men produced are bound to speak in their favour. Most of the evidence led is only regarding pole beating given by Yuntan to Bhag Singh constable and man-handling of Ompal Singh.

75. Coming to the evidence produced by the Public, Mephram is the PU. W. 2. He states that he was in the gathering and was hit on the head and received scalp injury. It was a lathi blow but could not identify the man who hit him. The police men had lathis. He received injury after the first pull in the tug of war. The Official team had one extra man and it was resented by the Locals. There was commotion and there was lathi charge. He caught a PAP man but at the instance of the D.C. he released him. The statement of the witness was recorded by the D.C. The witness was admitted in the GREF hospital at Stangri where he remained admitted for 13 days.

76. Yuntan who is stated to be the main cause of trouble has appeared as PU. W. 3. He states that there was a match of tug of war between the Locals and the Officials. At the time of the tug of war no dispute arose. The trouble started after the first pull. He was at the spot. He had pole in hand. Some police men gave him beating, with lathi. He received the hit on head and the back which is still under plaster. The lathi charge was made by the police. He became unconscious and fell down and he cannot identify who gave him beating. He did not apply the danda on any person nor any constable separated him. He was taken unconscious and taken from the Ground. He was examined by an Army Doctor at the Rest House. He took medicine from the hospital till 4-2-68. On 6-2-68 D.C. and the Treasury Officer came to his residence to inquire about his welfare. The pole which he held in his hands was of the tent and he was having that for safety sake. He is T.B. patient. The made no order of lathi charge on the other hand the S.P. gave order by show of his stick.

77. Anrup PU. W. 4 has stated that in the official team the majority was of Police men. There was a commotion on the side of Official team. There was one extra man in the official team. It was told by the persons who were bucking up the team amongst the Locals. Their being some commotion and also one extra man with the Official team the Local team loosened the

rope and gave up the pull. The S.P. who had a stick in his hand got down from the stage. He asked his police men who were with lathis to charge the gathering. After that there was lathi charge. The S.P. said "INKO BHOON DO". Let them be be-laboured. The police gave beating at random just like thrashing barley harvest. He requested the D.C. with folded hands that he being Magistrate why that repression was being done. The D.C. on his request gave him understanding that there is no cause of worry. The matter shall be looked into and justice will be done. When the Public was quiet a contingent of police armed with lathis came there. On this Public left the ground on account of fear. This witness is resident of Karding 2 miles from Keylong. He states that he heard the S.P. ordering the lathi charge saying "INKO BHUN DO". That order was given from the stage as well. There was no order given on the loud speaker. The police men were not called back by the S.P.

78. Sukh Dass who is local man of Pattan valley has appeared as PU. W. 5. He states that he had prepared some curtains for the Republic Day function and there was a prize for him. To receive the prize he came at the Ground at about 2.30 P.M. He is not sure about the time. When he reached tug of war event was going on. He heard some commotion on the Shakshi Nallah side. Out of curiosity he went ahead and he was told that lathi charge was being made by the Police. He did see himself striking of dandas on the crowd. Only the Police had the dandas. On this he formed some impression that it might be charged by dandas. Mephram was holding some man whom he considered his assailant but he did not know the man nor acquainted with him. He did not hear the S.P. ordering any lathi charge. The presence of this witness has been admitted even by the D.C.

79. Chhring Tassi PU. W. 6 was at the gathering. He states that there was a tug of war match between the Locals and the Officials. A scuffle started. He heard that Noorbu had been beaten. Noorbu is his son. He thought that he might not be his son so just to see he went into the crowd. The police began to beat him. They held him from both the arms and started taking him towards the police station. He received lathi blows on his back. His daughter Savtri by name came to his rescue. The scuffle started from the place where tug of war was being played. He did not see any other person injured. He did not see or hear the S.P. ordering lathi charge.

80. PU. W. 7 is another Chhring Tassi who was with the PU. W. 6. He corroborates him. He states that they heard Noorbu had been beaten. When he went to the crowd there was indiscriminate Lathi beating. Even his companion Chhring Tassi received lathi blow on his back. There was Arms case registered against him in 1949.

81. Noorbu PU. W. 8 states that he was in the Locals team. They were 11 in the team. The Officials team had 11 members. The Police team was on Shakshi Nallah side. In the Official team there were 12 members. There was huge commotion and they loosened the rope. He also went to the place where there was commotion. The police started charging dandas on the Public. He also tried to pacify the Public. In the meantime the S.P. came. He had a stick in his hand. He gave stick blows on his person. The S.P. ordered the two police men to take him to the police lock-up. He inquired from the D.C. what he had done. On this he was released. According to the witness when the pull was in progress the commotion started. He did not hear or paid any attention that any person ordered lathi charge.

82. Sonam Ram PU. W. 9 states that he was in the gathering. It was complained that the Official team had a extra man. The pull was given up by the Locals. The S.P. ordered to use the lathis. He also ordered with his stick. The S.P. was in anger and was saying "INKO BHOON DO". He ran away from the place. He saw Chhring Tassi of the Lower Keylong being carried by the two police men. This witness is Ex-Lumberdar and he denies that any case was registered against him by the police.

83. Durje about whom police witnesses have stated much has appeared as PU. W. 10. He states that when the pull started both the sides were applying their strength. In the meantime a police man joined the Official team in the pull. He approached the man who joined subsequently. He told him why he was pulling the rope. One Havildar gave him a push and also abused him. There was commotion and the police-men charged dandas on the Public. He saw Mephram Chowkidar being hit by lathi by 3-4 police-men. The police has registered a case against this man which he denies.

84. Chhring PU. W. 11 also states that both the sides were applying their strength. The police men came near the team to buck up. One extra man of PAP joined the Police team. He checked him from doing so. On this the Local team gave up the pull. In the meantime commotion arose. The police started making lathi charge on the Public. He heard nobody ordering lathi charge. The S.P. was making some show with his hand. There was huge commotion, hue and cry, nothing was audible. He only saw Mephram injured.

85. Rigzan PU. W. 12 also states that on the whistle pull started. Teams began to apply their force. One man from the Police joined the Official team. They protested to it. In the meantime 2/3 police men pushed him aside. He protested to it orally. On his protest there was commotion. He found head injury on Mephram. Blood was oozing. He heard of no lathi charge from the S.P. or the S.H.O.

86. Kunga PU. W. 13 states that the S.P. ordered lathi charge and also said "BHOON DO". This witness came at the Ground when the tug of war had started.

87. Samtan Angchu PU. W. 14 states that he was the Captain of the Locals team. He said that out of 40 locals he selected 11. Noorbu of Karding PU. W. 6 was in the Locals team. There was a toss. The toss was won by the D.C. He was given the option to select the side which he selected. Locals were on Keylong side. The whistle for the pull was given. The D.C., S.P. and the police men were bucking up the Official team. He and other Locals were bucking up the Locals team. When the pull was in progress and both the sides were trying their strength Rinchan s/o Tandup informed him that the Official team had one extra man. There was a commotion on the Shakshi Nallah side. The Public in that excitement mixed up. The Locals gave up the rope. From near the stage the S.P. uttered that let them be lathi charged. On this police men started lathi charge on the Public. Ladies and children began to cry. There were about 20 police men with lathis. About 60 were without lathis. He saw Onkar Singh A.S.I. and Karam Chand gun man beating Yuntan. The beating was given towards Shakshi Nallah side. Yuntan did not strike anybody. On this the S.P. uttered the words "BHOON DO". He got Yuntan separated from the A.S.I. and the gun man. According to the witness the first pull remained un-decided. The witness was arrested under the Defence of India Rules in May, 1965 and was sentenced to a fine of Rs. 50.

88. Ram Chand PU. W. 15 is the local man from Gushal and Sub-Inspector in Agriculture. He also states that he witnessed the tug of war event. When the tug of war started between the two team, they saw commotion in the crowd and the Public being lathi charged. He saw Onkar Singh A.S.I. and the gun man Karam Chand and another police men beating Yuntan and taking him away, The witness heard the orders of lathi charge.

89. Sona *alias* Sudama Bhagat PU. W. 16 who belongs to Gushal states that when the pull was in progress there was some commotion on the side of Shakshi Nallah. During the commotion the pull was given up. He saw the police men making lathi charge on the public. Out of fear he did not join the crowd. The witness belong to the village of Sh. Devi Singh and while questioned by the counsel on behalf of Government that he was making the statement at the instance of the Hon'ble Member the witness stated that it is a Public cause and not his personal. The scuffle was going at 4/5 places and lathis were being used on the crowd.

90. Durje PU. W. 17 has stated that when the pull was in progress there was commotion on the side on which was the police team. Just after lathi charge started. He saw Mephram Chowkidar injured.

91. Noorbu PU. W. 18 is a shopkeeper. His shop is about half a furlong from the Ground. He was at his shop. He saw Locals running away. He inquired from them what was the matter. He was informed that the Police had charged lathi on the Public. He saw a contingent of the police coming from the police station to the Ground.

92. Angrup PU. W. 19 who belongs to Keylong proper states that the captain ordered the pull. Pulling started. He heard that an extra man has joined the Official side. The pull was stopped by the Locals. There was commotion. The S.P. got down the stage and mixed up in the gathering brandishing his stick. Then he ordered for lathi charge. The police started thrashing Public as paddy is thrashed. Some time the S.P. was on the stage some time in the gathering and he was saying "BHOON DO". The police has registered a case against the son of the witness about which he has no knowledge. The lathi charge was seen by him for about 4/5 minutes. He does not know the number of injured.

93. This is the evidence produced on the both sides. Both the sides are in agreement that the trouble started on the Shakshi Nallah side on which was the Official team. From the witnesses produced and affidavits filed on behalf of the Police following causes have been attributed for the scuffle which ensued after the first pull in the tug of war:—

- (i) Winning of the first pull by the Officials which had been resented by the Locals and they got excited.
- (ii) Use of lathi if any, may be in self-defence.
- (iii) Feeling of resentment against the outsiders by the Locals.
- (iv) Resentment against the Police by the Locals since last one year. Excise raids by the Police on the Locals is also said to be the cause of scuffle.
- (v) Pole beating given by Yuntan PU. W. to the tail man Bhag Singh.
- (vi) Manhandling of Ompal Singh Sepoy by the Locals, on this incident much stress has been laid.

94. The causes attributed by the Public for the scuffle in which the police men entered into fighting are mainly as follows:—

(i) Use of extra man in the official team and protest by the Locals.

(ii) Offensive language used by the S.P.

95. It is very much evident from the evidence that only Police had the Lathis and the locals were un-armed. In the scuffle fists are also said to have been used. The scuffles took place at various places in the crowd. There was commotion confusion and a free fight have been alleged between the Locals and the Police.

96. Let me weigh the circumstances which led to the occurrence brought and put by the parties.

97. The first pull no doubt appears to have been won by the Officials as they were occupying the slopy side of the field. The resentment by the Locals of the victory of the Officials in the first pull seems to be superficial reason because it was not an Olympic event and there were two pulls more which were to decide the event. In such events excitement is always there but it can be on both sides not only in the Locals.

98. The plea of self-defence is not open to the Police. No initiative seems to have been taken by the Locals. There was some mis-handling of the situation. When free fight takes place no such plea of self-defence is available.

99. Feelings of resentment amongst the Locals against the outsiders is also a shallow plea. The Locals were not to get any substantial gain by winning the event. It was just a fun for the amusement of the spectators. Only the Police has said of such resentment and none other. This seems to be an after thought. Nor it is advisable to give prominence to such feelings in such like areas. The scuffle took place in the heat of the moment, without any ulterior motive or any back ground. To attribute such causes brings no credit nor there is any sense in it.

100. Regarding the resentment of the Locals against the police since last year, even if it is there it is a double edged weapon which can be used equally by the Police against the Local getting an opportunity as has been exhibited by the mis-behaviour by the Police at the gathering. The Police itself might be feeling bitter. The S.P. was quite frank to admit of the mis-behaviour of his men. Where police men indulge in free fighting with Public what would happen. One can only imagine.

101. Regarding the pole beating given by Yuntan P.U. W. to the tail man Bhag Singh of the Official team, this I can hardly believe. I have observed the witness when he came in the witness box. He is a lean and thin man and is a T.B. patient. He is spent up. He admits that he had a tent pole in his hand but he did not strike it to the tail man with it nor I think he could dare it for his physical infirmity and shattered health. On the other hand he speaks of being man-handled by the Police men which has been corroborated by the injuries found on his person on examination by the Military Doctor.

102. It is said that Ompal Singh intervened when Bhag Singh was hit by Yuntan. Story given is that Bhag Singh had turban on his head. The hit was given on the turban. Luckily he received no injury. Thereafter Ompal Singh is said to have been man-handled by Durje, Ram Singh and Sonam. In a free fight it is possible but the Public does not become aggressive without

any reason unless provocation is supplied from the other side. But that is not a justification for any lathi charge and that too without orders.

103. The Public witness speak that on the official side one extra man was engaged and that was protested by the Public. The S.P. was put this question and he denied it. He does admit of a objection raised by the Locals that the official team composed of practically of police men had ammunition boots on, which gives a good grip in the ground. The Locals had only Pullas and hunters on their feet. This objection had not been found favour with the S.P. and he did not agree to the request of the Locals that the Official team should not have ammunition boots. No doubt he had no objection if the Locals had also ammunition boots on but from where they could get. The field was slopy towards Shakshi Nallah side on which side the Official team was and the team having the advantage of favourable side and ammunition boots. The Official team was likely to win the pull. Supporters of both the team were bucking up their own teams and when the pull was over and there was change over, the trouble started.

104. The S.P. is alleged to have used some offensive language like "INKO BHOON DO". It has been spoken only by the locals and denied by him, and all other police witnesses. But his own men had taken the initiative what was left for him to say so.

105. What may be, it is clear that the trouble started on the Official side of the team and some mischief had been played there which led to the scuffle. The Police was perhaps not in mood to listen to any protest by the Public. On the Official side there were mostly police men. The situation seems to have been mis-handled, allowed to aggravate and flare up and it became free fight between the Police and the Locals. This is rather indiscipline on the part of the police who gave poor account.

(B) WHETHER THE POLICE WAS JUSTIFIED IN MAKING A LATHI CHARGE ON THE PARTICIPANTS IN THE TUG OF WAR AND THE PUBLIC AND WHETHER THE AMOUNT OF FORCE APPLIED BY THE POLICE WAS EXCESSIVE:

106. The lathi charge has been denied by the Police though injuries have been caused to the Public men with lathis. Any order of lathi charge by the S.P. or Magistrate has also been denied. There was no declaration of any un-lawful assembly. If the Public had become un-ruly and a force had to be used then it could only be done in accordance with law under proper orders from the competent authority. The police has not made it a case of lathi charge which according to the S.P. could only be in an organised way nor any justification for the lathi charge has been shown. The causes led to the scuffle attributed by the Police is mostly after thought. It is not that the scuffles took place with any back ground behind, as alleged by the police but on account of resentment on the spot. The S.P. has not referred to Yuntan affair in his affidavit. It may also be added that in the gathering many were drunk. If the denial of the lathi charge on the ground that it was not done in an organised way and there were no orders for making any lathi charge then to resort to beating of the Public by the Police cannot be said by any cannon of law to be justified.

107. The mobs do get unrully. It has to be controlled. Force can also be used under certain safe guards in good faith. Law also gives protection. But ours is a strange case.

108. The D.C. in his communications to the Government had been continuously reporting of lathi charge by the Police though mild. He was also present in the House when the Hon'ble Chief Minister on 21-3-68 made the statement regarding the occurrence and gave an assurance of appointing a Commission of Inquiry under the Commission of Inquiry Act, 1952. He was consulted as well. The question was answered and a statement made on the basis of the information supplied to him by the Government. When he appeared in the witness box he has taken a different turn. He was present at the function throughout and presiding. He left only when the situation eased. He admits that he had sent the signal to the Chief Secretary and the portion marked A to A regarding mild lathi charge by the Police resulting injury was correct as far as he could gather, though it is not based on his personal knowledge. He was on the dias when the scuffle started. There was utter confusion and the scuffles were going on at various scattered places among the crowd. The situation was so confused that it could not be controlled in an organised way. As far as he could see there could not be any line of command and in some cases the scuffle might have been between individual constables and the members of the Public. There was no order from any magistrate for lathi charge. The Police did use lathi in the scuffle as appears from the nature of the injury subsequently noted by him. But he did not see anybody being beaten with lathi by the Police. No S.H.O. or any superior Police official ordered use of force in his notice. Whatever be the nature of the force used he himself and the S.P. were present at this very Ground. He also states that the function started and people dispersed in his presence but he cannot say whether any force was used in his presence at the Ground. When the scuffle took place there was definitely resentment among the Locals who were having alleged grievances against the Police. The requirement of law and order warranted control of the same through due process. When other measure failed only course left was to use organised force. Under the limitations of circumstances while there was no line of command this could not be done. The scuffle were all individuals. The Police had lathis but he did not see any Police personnel using the lathi.

109. Since he has no direct knowledge he cannot say what force was used and in what measures. If there was no lathi charge by the police then the D.C. did not apprise the Government of the facts correctly. If there was any lathi charge then he has withheld from this Commission what led to the lathi charge. How can he re-concile the two positions. He has tried to explain that the message was sent by him in his executive capacity. The information collected for this and conveyed through this was not necessarily his direct knowledge. Secondly no secret message can be transmitted through police wireless. This fact incapacitated him from disclosing everything since no privilege could be claimed subsequently.

110. The S.P. denies of any lathi charge, made by the Police men. Perhaps by that he means under his orders. He states that the scuffle lasted for about half an hour (exact duration not given). During the scuffle the D.C. was on the spot throughout. There was complete commotion. Fight was going on. Some were using fists. It is incorrect that in the heat of moment he ordered lathi charge. The police in an organised manner as a department did not use any force but there was definitely fighting between the Public men and the general Public. The Police men used force in their individual capacity as the fighting had started without any orders from him. There was a free fight between the Police and the Public. This is a pity. The police men deny

any lathi charge, S.P. and D.C. also deny, yet there was free fight and lathis used.

111. The D.C. as District Magistrate taking the occurrence to be a serious affair in which the police was involved and took it a lathi charge by the Police and as such he ordered a magisterial inquiry under paragraph 16.38 of the Punjab Police Rules, 1934 in consultation with the S.P. Now the lathi charge is being denied.

112. The Govt. has taken it to be a matter of deninite Public importance and a lathi charge by the Police. Its denial during the inquiry by the D.C. and S.P. is really strange. A muddle has thus been created.

113. It has been proved on record that the S.P. in order to get his men separated from fighting in the crowd ordered them from the stage that all those whether in uniform or without to fall in on the right side of the dias on which they collected. It was a wise act on the part of the S.P. but it was too late when his Jwans had played the whole mischief. Had the S.P. and D.C. used tact this unfortunate situation would have never arisen. There is definitely mis-handling of the situation.

114. The D.C. as District Magistrate has general control and directions over the District Police under section 4 of the Police Act. His responsibility for maintenance of law and order was rather more. He is head of the criminal administration of the district. He has full control over the district police. Perhaps he was helpless.

115. Our Indian Constitution lays great stress on rule of law. The police has to play an important roll in it. In a democratic set up the responsibilities of the police are far greater. It is to give relief to the Public and not to terrorise it. Of course maintenance of law and order is also its responsibility. Why the S.P. called striking force when the gathering had dispersed? Simply to create stir. Police is a responsible force. It cannot behave irresponsibly. It is an efficient instrument for the prevention and detection of crime as the preamble of the Police Act says. When individuals or certain groups of Public resort to scuffle then the Police is to intervene. When Police resorts to scuffle with the Public or individual who is to intervene? It will be a sorry state of affairs. When there was no line of command, resort to lathi charge by the Police is unjustified.

116. As regard the amount of force applied by the Police, from the nature of injuries and the persons received which shall be discussed in terms of reference (c), it cannot be said excessive.

(C) THE NUMBER OF PERSONS ACTUALLY INJURED AND THE NATURE OF INJURY CAUSED.:

117. In the scuffles held and the lathi used by the Police a number of persons are alleged to have received injuries. Unfortunately there was no Doctor at Keylong and the D.C. through his personal efforts arranged for a Doctor from the Military to examine and look after the injured. Flt. Lt. G. S. Bharat of the GREF Unit, Stangri, PO. W. 2 examined the injured. He states that D.C. Keylong informed him at Stangri that there were certain patients who were to be examined and treated. There being no Medical Officer, he (D.C.) requested him to come and give the treatment. He reached at Keylong on his request and examined the patients and also gave them treatment. He saw about 8-10 patients in all. Five from Police and others from the Civilians. He does not remember their names. He only recognizes

one Chowkidar and another person from D.C.'s office i.e., Yuntan and Mephram. Yuntan had restriction of movement of metacarpo phalylgenal joint. He had bruise on the back side He had slight bruise on the back side of chest. The injury appeared of some blunt weapon. He bandaged the wound. He is old patient of T.B. and complained of some pain in the back side of the chest. He also gave him treatment at his dispensary. Mephram Chowkidar is also a person examined and treated by him. He had 4" long lacerated wound on the scalp of the left side. The injury appeared of some blunt weapon. May be lathi. No other injury was found on his person. The wound was bandaged and necessary treatment given to him. Two other persons examined by him were Narain Dass. He had little bruise over the nose and the other Napa Ram. He had black eye on right side due to accumulation of blood. How the injury was caused he cannot say. It was with blunt weapon of simple nature. Then police men had been examined by him. Who are Rawal Singh. He had no injury, the other was Ompal Singh, he had small bruise on left thumb at base. Darsan Singh complained of pain in testicles but there was no visible injury. Karaz Singh complained of pain in testicles but there was no visible injury. Yaspal was also examined. He had no injury. Similarly Buta Ram was also examined by him but he too had no injury. None of the patients had any grievous injury. None had any incised wound.

118. Only Yuntan and Mephram had visible injuries of blunt weapon i.e. lathi. The nature of the injuries is simple.

119. The Locals have very much exaggerated the facts in their telegram to the Government and others that some received severe injuries. Condition of some precarious and even children and women beaten. No woman or child appeared before this Commission or the Military Doctor, who received any injury. The Locals having said so have only tried to flare up the matter and taken recourse to exaggeration.

(D) ANY OTHER MATTER WHICH, IN THE OPINION OF THE COMMISSION IS RELEVANT TO THE ASCERTAINMENT OF FACTS RELATING TO THE INCIDENT :

120. Indiscipline in the Police in Lahaul is said to be rampant. The S.P. during the arguments himself admitted that he is posed with this problem in the district. He did not hesitate even to say that the behaviour of his police men was poor. The Govt. should take note of it.

121. All the powers in the district concentrate in the D.C. There should be maximum of co-operation and co-ordination between various Departments in the district. It lacks here as was scented in the Inquiry. It is also worth notice.

122. The border areas are tough and delicate to be handled. People there are touchy. In tribal people sentiments also play their part. Strict vigilance is required. The Govt. should put her tried men in areas like this. There should be maximum co-operation amongst the officials and the Public. Mutual confidence has to be maintained and not allowed to be shaken. This is very essential.

123. Tug of war event between the Locals and the Official especially with the Police should be dis-continued in future National celebrations, so that the Public may not be reminded of this unfortunate occurrence.

124. Before parting with this report I consider it my duty to thank the Government for providing conveyance to the Commission from Mandi

to Lahaul and back when needed. I am thankful to the Hon'ble Member who extended his fullest co-operation to the Commission in the conduct of its proceedings. I am thankful to Thakur Beli Ram, Advocate, Kulu appeared for the Public and Sh. Mukund Lal Upadhyya, Advocate, Kulu appeared for the Government for their help and guidance in conducting the Inquiry. I am also thankful to my Reader Sh. Sukh Lal Tandon and Stenographer Sh. Kanshi Ram Verma who recorded the evidence.

125. The Government has shown her gesture of good will and broadness towards the Locals in meeting their demand of Judicial Inquiry into the occurrence though it was a demand from the Opposition Member but not without foundation. The Government have thereby honoured their sentiments. Tribal and border people deserve all attention of the Government for their betterment, encouragement of their talent, re-cognition of their national awareness, realistic approach to their sentiments, and special care for their security.

Dated MANDI, the
24th October, 1968.

B. D. SHARMA,
*Commission of Inquiry,
Police Lathi Charge, Keylong,
District and Sessions Judge, Mandi, Kulu and
Lahaul-Spiti Districts, at Mandi, H.P.*

